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COMMONWEALTH OF VIRGINIA

STATE CORPORATION COMMISSION

AT RICHMOND, MARCH 18, 2003

APPLICATION OF

ATMOS ENERGY CORPORATION d/b/a
UNITED CITIES GAS COMPANY

CASE NO. PUE-2000-00098

For approval of the condemnation
of an easement across the property
and/or right-of-way at Norfolk
Southern Railway Company

ORDER OF DISMISSAL

By way of background, in March 7, 2000, Atmos Energy Corporation d/b/a United Cities Gas Company (“United Cities” or “Company”) filed an application with the State Corporation Commission (“Commission”) pursuant to § 25-233 of the Code of Virginia (“Code”), for authority to initiate condemnation proceedings for the acquisition of an easement over property and/or right of way owned by Norfolk Southern Railway Company (“Norfolk Southern”) in Dublin, Virginia. United Cities’ application stated that the Company desired to install a four-inch reinforcement gas pipeline across Norfolk Southern’s property and/or right-of-way. On March 23, 2000, the Commission issued an Order Directing Response, providing the parties an opportunity to file pleadings on the matter and requesting the parties to address the applicability of §§ 56-17 through 56-19 of the Code. Both parties filed their respective pleadings pursuant to the March 23, 2000 Order. Thereafter, Staff was advised that the parties were involved in negotiations, and thus, no further proceedings in this case were conducted on behalf of the Commission.

Then, on June 20, 2002, Norfolk Southern filed with the Commission a motion indicating that it had discovered that United Cities had constructed gas pipeline facilities under and through

its property, and requesting the Commission to provide various types of relief for the alleged actions. On July 10, 2002, United Cities filed a Response and Motion to Dismiss. In its motion, United Cities stated that while the parties were in negotiations, during the spring of 2000, the pipeline subject to the original application was inadvertently installed and became operational, but, subsequently, the original line was abandoned and replaced.

On August 2, 2002, Norfolk Southern filed a Motion for Leave to File Reply to United Cities' Response arguing, inter alia, that United Cities had failed to notify Norfolk Southern of the installation and/or removal of either of the pipelines. Thereafter, the parties advised the Staff that they had recommenced negotiations, and continued negotiations for several months. On March 5, 2003, the parties filed with the Commission a Joint Motion To Dismiss ("Joint Motion") stating that all matters in controversy between the parties as stated in the original application and all subsequent pleadings had been settled, and requesting the Commission to dismiss the case.

NOW UPON CONSIDERATION of the foregoing, the Commission is of the opinion and finds that the parties' Joint Motion should be granted.

Accordingly, IT IS ORDERED THAT:

- (1) The parties' Joint Motion to Dismiss is granted.
- (2) This case is hereby dismissed from the Commission's docket of active cases.